

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)**

**Case No. 3:23-MD-3071
MDL No. 3071**

This Document Relates to:

3:22-cv-01082

3:23-cv-00332

3:23-cv-00357

3:23-cv-00378

3:23-cv-00410

3:23-cv-00413

3:23-cv-00552

3:23-cv-00742

3:23-cv-00979

**Chief Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Barbara D. Holmes**

JOINT MOTION FOR DISCOVERY CONFERENCE

Pursuant to the Court's March 8, 2024 Order relating to the resolution of discovery disputes, ECF No. 854, Defendants Windsor Property Management Company ("Windsor"), UDR, Inc. ("UDR") (collectively the "Moving Defendants"), and Plaintiffs respectfully move this Court to schedule a discovery conference to address an ongoing discovery dispute concerning Moving Defendants' requests for admissions and related interrogatories served on Plaintiffs.

On July 29, 2024, Windsor served its First Set of Requests for Admission and First Set of Interrogatories on all Plaintiffs. On August 28, 2024, Plaintiffs served their objections to Windsor's requests. Plaintiffs "decline[d] to respond" to the RFAs as improper and declined to respond to the interrogatory as a premature contention interrogatory. Those discovery responses are attached hereto as Exhibit C.

On September 12, 2024, UDR served its First Set of Requests for Admission and First Set of Interrogatories on all Plaintiffs. These were substantially similar in form and substance to Windsor's discovery requests. On October 16, 2024, Plaintiffs served their objections to UDR's requests. Plaintiffs "decline[d] to respond" to the RFAs as improper and declined to respond to the interrogatory as a premature contention interrogatory. Those discovery responses are attached hereto as Exhibit D.

The parties have met and conferred extensively over the last several months. These meet-and-confers have included bilateral discussions between counsel for Plaintiffs and Windsor, and bilateral discussions between counsel for Plaintiffs and UDR. Pursuant to the Court's discovery dispute resolution procedures (ECF No. 854), the parties certify that they held an in-person (face-to-face) meet-and-confer on November 20, 2024 in Washington, D.C., in which the following attorneys participated:

- For Plaintiffs: Swathi Bojedla
- For Defendant UDR: David Cross and Andrew Hill
- For Defendant Windsor: Stephen Medlock and Alex Rant

The in-person conferral lasted approximately 30 minutes.

At the in-person conferral, Moving Defendants offered a compromise solution: Moving Defendants would forgo answers to their respective RFAs and interrogatories at issue if Plaintiffs would answer within a few weeks an interrogatory stating the specific factual bases for Plaintiffs' allegations that employees of UDR and Windsor agreed with competing multifamily housing providers to fix rental prices and occupancy rates; Plaintiffs would be free to supplement these responses as appropriate toward the end of fact discovery, per Fed. R. Civ. P. 26(e). On December 5, 2024, Plaintiffs declined Moving Defendants' proposal as requiring premature contention

interrogatory discovery and because Plaintiffs had already offered to respond to contention interrogatories at the appropriate stage in the case.

The parties' positions on disputed issues are set forth in the accompanying Joint Discovery Dispute Statement, attached hereto as Exhibit 1. The parties respectfully request a discovery dispute conference at a date and time convenient for the Court.

Respectfully submitted,

Dated: December 11, 2024

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Plaintiffs' Steering Committee Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2024, I served a true and exact copy of the foregoing upon all counsel of record via the Court's CM/ECF e-mail notification system and by email.

Dated: December 11, 2024

/s/ David D. Cross
David D. Cross